

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

IN RE:  
SHILER CARTER SAINT-HILAIRE AND  
VELINE SAINT-HILAIRE  
Debtors

BCN#: 11-72166\PMB  
Chapter: 13

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THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A., FKA THE  
BANK OF NEW YORK TRUST  
COMPANY, N.A., SUCCESSOR  
TRUSTEE TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE FOR THE  
SPECIALTY UNDERWRITING AND  
RESIDENTIAL FINANCE TRUST,  
SERIES 2005-BC4  
or present noteholder,  
Movant/Secured Creditor,

CONSENT ORDER

v.  
SHILER CARTER SAINT-HILAIRE AND  
VELINE SAINT-HILAIRE  
Debtors  
and  
CHRISTOPHER T MICALE  
Trustee  
Respondents

Whereas, the parties are in agreement;

IT IS ORDERED that the Automatic Stay of 11 U.S.C. § 362(a) is hereby modified so as to permit the Movant to commence foreclosure proceedings in accordance with applicable state law and pursuant to the terms of the deed of trust securing the Movant as to the real property designated as 348 Deaner Dr. NW, Roanoke, VA 24017 and recorded among the land records of the said city/county as:

Susan C. Meyer, Esq.  
Shapiro Brown & Alt, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462  
(757) 687-8777  
14-239549

Lot Ten (10), Block Two (2), according to Survey of Ridgewood Park, which is recorded in Plat Book 3, page 298. In the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia.

AND BEING the same property conveyed to SF JV-2003, LLC by deed dated August 24, 2004 from Samuel I. White, P.C., a Professional Corporation, Substitute Trustee, Carolyn E. Nash, America's Servicing Company and Mortgage Electronic Registration Systems, Inc., recorded in the Clerk's Office of the Circuit Court of Roanoke City, Virginia as Instrument #040016437.

IT IS FURTHER ORDERED that the stay of F.R.B.P. 4001(a)(3) is waived;

IT IS FURTHER ORDERED that the Movant shall forbear from exercising any rights to foreclosure under applicable law as to the subject real property provided that, and so long as, the Debtors perform all actions necessary to complete a loan modification within ninety (90) days of entry of this order and obtain court approval.

IT IS FURTHER ORDERED AND AGREED that should the loan modification not be completed within ninety (90) days of entry of this order, or the loan modification be denied, the Debtor and Movant shall draft and submit to this Court a consent order allowing the post-petition arrears in the plan.

IT IS FURTHER ORDERED AND AGREED that the should the loan modification not be completed within ninety (90) days the Debtor(s) shall place the arrears of \$20,451.51 into an amended plan to be filed within twenty-one (21) days of denial of the loan modification. Regular payments to resume June 01, 2014.

IT IS FURTHER ORDERED AND AGREED that the Movant, upon receipt of the aforesaid amended plan, shall be allowed to file an amended proof of claim reflecting both the pre-petition and post-petition arrears to be paid pursuant to this consent order.

IT IS FURTHER ORDERED AND AGREED that should the Debtor fail to timely file an amended plan allowing for the pre-petition and post-petition arrears as outlined in this order, or should any proposed amended plan fail to be confirmed, or should the Debtors default for a period of thirty days in making future monthly post-petition payments, commencing with the payment June 1, 2014, or if any payments which have been acknowledged in the calculation of the mortgage arrears in this Order, but which subsequently are determined to be non-negotiable for any reason, the Movant may file with this Court and mail to the Debtor(s), the Debtor(s) attorney and the Chapter 13 Trustee a Notice of Default setting forth the amount and nature of the alleged default under the terms of this Order.

If the proposed plan fails to be confirmed, the Movant shall file a Notice of Request for Hearing to request that the Court issue an Order terminating the Automatic Stay of 11 U.S.C. § 362(a) with respect to the Movant so as to permit the Movant to commence foreclosure proceedings in accordance with applicable state law and pursuant to the terms of the deed of trust securing the subject property.

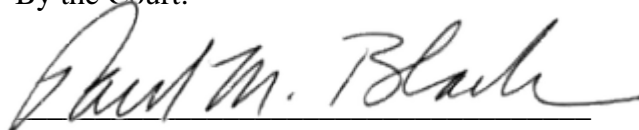
It is further ordered that the Movant shall promptly notify the Chapter 13 Trustee in writing of the results of any foreclosure of the subject deed and pay the Chapter 13 Trustee any excess funds received from such foreclosure sale, to be disbursed upon agreement with the Debtors or upon further order of the Court.

IT IS FURTHER ORDERED that the Movant shall forbear from exercising any rights to foreclosure under applicable law as to the subject real property provided that, and so long as, the Debtors perform under the note and security instrument and comply with the following terms and conditions of this Order.

IT IS FURTHER ORDERED that the Trustee will be relieved from the obligation of making any further payments; Any amended unsecured claim for a deficiency (which claim must include documents proving that it has liquidated its collateral and applied the proceeds of sale in accordance with applicable state law) must be filed by the Movant within 120 days from the date on which the Notice of Secured Creditor's Right to Commence Foreclosure or a third Notice of Default is entered, or such claim against the bankruptcy estate shall be forever barred.

Date: May 21, 2014

By the Court:



Paul M. Black  
UNITED STATES BANKRUPTCY JUDGE

Notice of Judgment or  
Order Entered on Docket: \_\_\_\_\_

I ask for this:

/s/Susan C. Meyer

\_\_\_\_\_  
Susan C. Meyer, Esquire  
Counsel for Movant

Seen; Agreed:

/s/ Bryan James Palmer with express permission

\_\_\_\_\_  
Bryan James Palmer, Counsel for Debtor(s)

/s/ Christopher T Micale with express permission

\_\_\_\_\_  
Christopher T Micale, Trustee

Copies of this order are to be sent to:

Shapiro Brown & Alt, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462

Bryan James Palmer  
Michael D. Hart, PC  
Post Office Box 622  
Roanoke, VA 24004

Christopher T Micale  
P.O. BOX 1001  
ROANOKE, VA 24005

Shiler Carter Saint-Hilaire and Veline Saint Hilaire  
348 Deaner Dr. NW  
Roanoke, VA 24017

**CERTIFICATION**

Pursuant to Local Rule 9022-1(C), I hereby certify that all necessary parties have endorsed the above order.

/s/Susan C. Meyer

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Susan C. Meyer, Esquire  
Attorney for Movant

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